

# PREA

Prison Rape Elimination act 2003

Volunteers / Contractors

# What is PREA?

- o The Prison Rape Elimination Act (PREA) is a LAW enacted September 4, 2003 by President George W. Bush.
  - Supports the elimination, reduction and prevention of sexual assault within the corrections system.
  - Mandates several national data collection activities.
  - Created a national commission to develop standards and accountability measures for all correctional settings
- o Applies to all federal, state prisons, jails, police lock-ups, private facilities, and community correctional settings such as residential, parole, halfway houses.
- o PREA covers much more than prison rape. It covers a range of behaviors to include rape, sexual abuse, and sexual harassment.

# Why is PREA Important?

- o Supports the prevention of sexual assaults
- o Decreases the acts of violence and the spread of sexually transmitted diseases.
- o Reduces the physical and mental health care cost.
- o Prevents department liability, bad press and recidivism.
- o Establishes a zero-tolerance policy
- o Develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape.
- o Protects the Eighth Amendment rights of all detainees and/or prisoners.

# Major Provisions of PREA

- o Prevention Planning
- o Supervision and Monitoring
- o Juveniles in Adult Facilities
- o Cross-Gender Searches and Viewing
- o Training and Education
- o Screening
- o Reporting
- o Responsive Planning
- o Investigations
- o Discipline
- o Medical and Mental Health Care
- o Grievances
- o Audits
- o LGTBT

# ZERO TOLERANCE

- o It is the policy of the St. Tammany Parish Jail to provide a safe, humane and appropriately secure environment, free from threat of sexual assault and sexual misconduct for all staff, civilians and inmates by maintaining a program of prevention, detection, response, reporting, investigating and tracking of any alleged and substantiated sexual assaults.
- o The STPSO shall have **zero tolerance** for incidents of sexual assault, sexual misconduct or sexual coercion.

# How we achieve a Zero-tolerance policy

- o Sexual abuse of any kind will not be tolerated
- o Policy and procedure
- o Proper responses
- o Reporting

# Zero-tolerance policy

- o Staff on inmate
- o Civilian on inmate
- o Inmate on staff
- o Inmate on inmate

# Policy and Procedure

- o Defines what sexual abuse and sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature,
- o Submission to the conduct is either an explicit or implicit term or a condition of employment; or (quid pro quo)
- o Submission to or rejection of the conduct is used as the basis for a decision affecting the person who did the submitting or rejecting; or
- o The conduct creates an intimidating, hostile or offensive environment.
- o Employee Conduct – Sexual Harassment Policy Dr.03:08.1200.
- o Corrections PREA Procedure - 07011-C-01-022



# Proper responses

- o All reported incidents will be handled in the same manner and dictates how they will be handled by all staff to matter their position or rank.

# Reporting

- Tells everyone including inmates that all instances, threats or suspicious behavior will be reported, documented and investigated.

# Reporting

- o The facility must provide multiple internal ways for inmates to report easily, privately and securely.
- o Medical staff should encourage reporting through sick call requests and/or other patient contact.
- o Staff, including medical staff should accept reports made verbally, in writing, anonymously, and by third parties.
- o Staff, including medical staff shall immediately put into writing any verbal reports

# Reporting

- o Inmates should have access to outside confidential support services.
- o The facility will provide on-site mental health services to victims of sexual assault, if services are available.
- o Posted numbers for toll free crisis lines
- o Inmates must know that confidentiality will be maintained regarding their reported assault or report

# Mandatory reporting

- o Any incident or allegation reported to any staff member or volunteer/contractor shall be reported to a staff member immediately.
- o All incidents of sexual abuse shall be reported to the investigation division of the department.

# Facility Response to reports

- o Once a report is received staff will immediately separate the alleged victim and the alleged aggressor by site and sound.
- o Both the victim and aggressor will be notified that they cannot wash, brush their teeth, change their cloths, urinate, defecate, etc. prior to the evidence collection being completed.
- o The shift supervisor will initiate and conduct their initial investigation.

# Facility Response to reports

- o All actions taken by all parties shall be coordinated among staff, first responders, medical and mental health staff, investigators and facility leadership.
- o The facility shall ensure that alleged victims receive all necessary immediate and ongoing medical, mental health and support services.

# Free From Retaliation

- Acts of sexual assault, sexual misconduct or sexual coercion by staff or civilians against inmates or retaliation against inmates who refuse to submit to sexual activity or intimidation of a witness may be a crime.
- Retaliation against individual because of their involvements in the reporting or investigation of sexual assault, sexual misconduct or sexual coercion is strictly prohibited.



# Inmate right

- o To be free from sexual assault
- o To be free from sexual harassment
- o To be free from retaliation

# Inmate right

- Regardless of crime
- Regardless of custody status
- Must provide secure and safe environment
- Staff / volunteers & contractors also have a right to be free from sexual assault and harassment
- All protected against retaliation for reporting these incidents

# Dynamics of prisoner rape / harassment

- o Inmate on inmate rape / harassment
- o Staff on inmate rape / harassment
  - o High risk times
  - o Who's at risk

# Inmate on inmate rape / harassment

- o Is a means to achieve power and control over another inmate, those at highest risk;
- o Lesbians
- o Gay
- o Bisexual
- o Transgender – someone who doesn't fit within society standards of how a woman or man is supposed to look or act.
- o Mentally ill

# Inmate on inmate rape / harassment

- o Juveniles – when housed with adults. 1 in 8 in juvenile facilities 80% by staff.
- o Non-violent inmates
- o Inexperienced in jail / prison life
- o Gender non-conforming – someone behaving and appearing in ways that are considered atypical to ones gender.
- o Small in stature

# Staff on inmate rape / harassment

- o Means to achieve power and control over the inmate. Generally as a result of unchecked power over female inmates while in custody. Male officers allowed to watch female inmates when dressing, bathing and using toilet.
- o Staffs routinely engage in verbal degradation of prisoners under their supervision.
- o May abuse authority by offering privileges for sexual favors
- o May use visits with children
- o Need for hygiene products, food or access to schooling, employment and even threats about release dates to coerce unwanted sexual contact.
- o Generally prey on vulnerable inmates.

# Why Staff get Sexually Involved with Inmates

- o Lack of Supervision
- o Culture of Corruption
- o No consequences for misconduct
- o Already friends; know each other from the community
- o Opportunity
- o Lack of Professional Boundaries

# High risk times

- o Most assaults occur when no one is around to see or hear it.
  - o Night time
  - o Areas difficult to monitor
  - o Upon arrival to facility
  - o Generally during the first hours, days or weeks of incarceration



# Who's at risk

- o While all are at risk the following are victimized at a higher rate.
  - o Young offenders
  - o Offenders who are inexperienced, naïve, or lack “street sense”
  - o Offenders who are small in stature or physically weak
  - o Mentally ill or developmentally challenged offenders

# Who's at risk

- o Gay, lesbian, bisexual, transsexual, or intersex (LBGTI) offenders
- o First-time offenders
- o Offenders convicted of a sexually-based crime
- o “snitches”, “rats”, and offenders who break the code of silence
- o Offenders who have previously been victimized

# Common reactions from victims

- o Short-term effects
- o Long-term effects
- o Disease transmission
  - o Physical effects
  - o Behavioral effects
- o Emotional / psychological effects

# Common Reactions of Sexual Abuse & Sexual Harassment Victims

## o Short-term effects

- o Post-traumatic stress syndrome (PTSD) – typical symptoms include chronic anxiety, depression and flashbacks
- o Rape trauma syndrome (RTS)
- o Anxiety
- o Depression suicidal tendencies

# Common Reactions of Sexual Abuse & Sexual Harassment Victims

## o Long-term effects

- o Alcohol abuse
- o Drug abuse – an effort to forget or dull the emotional and physical impact
- o Exhibit sexually promiscuous behaviors following attack
- o Begin to victimize others
- o Become more violent or aggressive in their behavior

# Common Reactions of Sexual Abuse & Sexual Harassment Victims

## o Disease transmission

- o HIV / AIDS
- o Tuberculosis
- o Hepatitis B & C
- o Sexually transmitted infections (STI"s or STD's)
- o pregnancy

# Behavioral effects of sexual assault

- o Hypervigilance
- o Insomnia
- o Exaggerated startle response / jumpiness
- o Panic attacks
- o Eating disorders
- o Self-mutilation
- o Exaggerated feelings / responses to stimuli
- o Increased use of violence
- o Aggressive behavior

# Recognizing the “red flags” of sexual assault

- o Inmate “RED FLAGS”
- o Staff “RED FLAGS”



# Inmate “red flags” / Physical signs

- o injuries / bruising
- o medical reports or findings
- o hospitalization
- o Pregnancy
- o sudden loss or gaining weight
- o self-mutilation

# Inmate “red flags” / Emotional signs

- o Sudden dramatic change in personality
- o Depression
- o Anxiety
- o Self-isolation
- o Suicidal tendencies
- o Mood swings
- o Sexual identity crisis

# Inmate “red flags” / Behavioral signs

- o demonstration of predatory behavior
- o intermittent explosive behavior
- o become sexually manipulative
- o Discusses sexual trauma in hypothetical terms or on someone’s behalf
- o Lack eye contact
- o Appears overly dependent on or attached to someone
- o Disciplinary reports on sexual activity
- o Appears suicidal

# Staff “red flags”

- o Spending unusual amounts of time with a particular inmate
- o Overlooking infractions or offering special privileges or gifts to a particular inmate
- o Requesting a particular shift for no apparent reason
- o Appearing overly familiar with an inmate
- o Exhibiting excessive interest in the progress or activities of a particular inmate
- o Revealing personal information to – or about – a particular inmate
- o Conducting an unusual number of “closed door” meetings with an inmate or inmates

# Communicating with inmates & (LGBTI)

- o Staff and volunteers should use language and terminology that does not perpetuate LGBTI stereotypes
- o Staff should maintain a professional demeanor at all time when communicating with all inmates to include LBGTI inmates
- o Staff should never address inmates by any nicknames or “pet” names established by the inmate population
- o Staff should not allow inmates to address other inmates or staff by nicknames or “pet” names in their presence.

# Protecting inmates – preventing abuse

- o Relationships with inmates
  - o Right to protection
  - o Be aware **“RED FLAGS”**
  - o Screening **“Identification”**

# Avoiding Inappropriate Relationships with inmates

- o First step is to set boundaries with inmates under supervision and in custody.
- o It is important to establish a rapport with inmates.
- o Staff, volunteers and contractors should avoid certain behaviors and interactions.

# Avoiding Inappropriate Relationships with inmates

- o Refrain from overly familiar behaviors with inmates, including touching (other than handshakes)
- o Remove suggestive material from the facility, including the office environment (sexualized calendars or posters)
- o Refrain from discussing personal matters with inmates
- o Refrain from asking inmates to do personal favors for you



# Avoiding Inappropriate Relationships with inmates

- o Refrain from doing personal favors for inmates (overlooking violation)
- o Avoid spending extended or unnecessary time with inmates in personal areas including bed / dorm rooms and restrooms
- o Avoid unnecessary on-on-one encounters with inmates behind closed doors or in isolated areas

# Avoiding Inappropriate Relationships with inmates

- o Refrain from engaging in sexualized conversations with or telling inappropriate jokes to an inmate
- o Refrain from giving or accepting gifts to or from inmates or their families

# Right to protection

- o Inmates must be informed of their right to protection.
- o Be advised of policies on reporting, responding, and investigating incidents.
- o Staff, volunteers and contractors must know these policies and mechanisms.
- o Inmates need to know the procedures in place for detecting and addressing false reporting.

# Be aware “red flags”

- o All staff, volunteers and contractors should know and be able to detect the signs of potential abuse among inmates and staff.

# Protection against false reports

- o False reports

- o A thorough and comprehensive investigation should identify false accusations.

# Protection against false reports

- o Disciplinary process

- o Very important for the agency to have policies and procedures in place for identifying and disciplining individuals who knowingly make false accusations against other inmates and staff members.

# Protection against false reports

## o Tips to protect

- o Every staff member, volunteer and contractor should practice the following tips in an effort to protect themselves against false accusations.
- o Establish and maintain professional boundaries with all inmates
- o Avoid being alone with inmates for extended or regular periods of time
- o To the extent possible, document how time is spent with inmates during office visits and interviews.

# Protection against false reports

## o Tips to protect

- o Avoid mixed-gender transport or body searches without an additional staff person
- o Keep office doors open when meeting with inmates
- o Avoid any interaction with an inmate that may appear inappropriate
- o Be familiar with understanding the investigative process in your agency and jurisdiction



# Liability

- Law enforcement officials can be held liable in their official, individual and personal capacities for sexual violence against arrestees by either staff or other offenders.
- Municipalities can be held liable for sexual violence against arrestees if the violence is a result of a policy or custom of the County/Parish set by the Chief of Police/Sheriffs.
  - Failure to address sexual violence and misconduct has criminal, administrative, and civil consequences for cities, counties, chiefs of police, sheriff, and law enforcement personnel.

# Rs.14:131.1

- o Malfeasance in office; sexual conduct prohibited with persons confined in correctional institutions.
- o it shall be unlawful and constitutes malfeasance in office for any person who is a law enforcement officer, officer of the department of corrections, or employee of a prison, jail, or correctional institution, to engage in sexual intercourse or any other sexual conduct with a person confined in a prison, jail or correctional institution.
- o Whoever violates a provision of this section shall be fined not more than ten thousand dollars, or imprisoned for not more than TEN YEARS, or both.

# Additional laws

- o Volunteers, contractors along with agency employees may be subject to additional charges such as;
  - o Simple rape
  - o Sexual battery
- o Additional charges depending on the findings of the investigation